

REMARKS

The Office Action of September 28, 2007 has been received and carefully reviewed. It is submitted that, by this Amendment, all bases of rejection are traversed and overcome. Upon entry of this Amendment, claims 1-6, 10-16 and 20-23 remain in the application. Claims 7-9, 17-19 and 24-26 are cancelled herein without prejudice. New claim 27 has been added in order to set forth an additional specific embodiment that the Applicant regards as the invention. Claims 1, 2, 4-6, 11, 12, 14-16 and 21-23 have been amended. Support for such revisions may be found throughout the specification as filed, at least at page 9, line 20 to page 10, line 10, and in Figure 2. It is submitted that no new matter has been added. Reconsideration of the claims is respectfully requested.

Claims 1-3, 8-13, 18-22 and 25-26 stand rejected under 35 U.S.C. § 102(e) as being anticipated by White (U.S. Patent No. 6,941,134). Furthermore, claims 4-7, 14-17 and 23-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over White in view of Pericas et al (U.S. Patent Publication No. 2004/0224661).

Applicant's invention as defined in claim 1 relates to a method of replenishing calling units for a calling plan of a wireless communications device. The method includes: receiving a calling plan configuration signal at the wireless communication device; setting a predetermined calling termination configuration based on the calling plan configuration signal, where the predetermined calling termination configuration is set at at least one of a predetermined plan duration, a predetermined number of calling units or a predetermined number of cycles; monitoring whether the predetermined plan duration, the predetermined number of calling units and/or the predetermined number of cycles is expired or depleted as a subscriber uses the wireless communications device; prompting the subscriber to choose either another predetermined calling termination configuration or a temporary calling plan when the predetermined plan duration, the predetermined number of calling units and/or the predetermined number of cycles is expired or depleted; and terminating the calling plan if the subscriber does not choose the other predetermined calling termination

configuration or the temporary calling plan. Claims 11 and 21 recite similar features relating to a computer usable medium and a system, respectively.

Applicant's invention as defined in the revised independent claims is in sharp contrast to the invention disclosed in White. White teaches a method in which an authorized person can allot minutes for a bucket of minutes in a billing cycle of a telephone account. Such allotments may be based on particular preferences of the user, such as, for example, for particular hours, particular phone numbers, particular sources or locations, etc. However, White does not teach or suggest methods of dealing with whether or not to terminate a user's plan. In particular, White does not teach or suggest monitoring the expiration or depletion of minutes, cycles or plan duration, prompting the user/subscriber to choose another calling termination configuration or a temporary plan in response to such expiration or depletion, and finally terminating the calling plan if no such choice takes place. For such reasons, it is submitted that White does not anticipate, teach, or render obvious Applicant's invention as defined in independent claims 1, 11 and 21, and in those claims depending therefrom. As such, Applicant requests that the §102(e) rejection based on White be withdrawn.

As previously mentioned, White and Pericas are combined in the §103(a) rejection of claims 4-7, 14-17 and 23-24. For the reasons set forth hereinabove, it is submitted that White does not teach or suggest Applicant's invention as defined in independent claims 1, 11 and 24, from which claims 4-7, 14-17 and 23-24 respectively depend. It is further submitted that Pericas does not supply the deficiencies of White.

In particular, Pericas discloses a rollover management system for managing wireless phone call usage. The system allows customers to access information about their wireless phone account on a month-to-month basis over the course of a year. However, Pericas does not teach or suggest how the provider deals with whether or not to terminate a subscriber's service. In particular, Pericas does not teach or suggest monitoring the expiration or depletion of minutes, cycles or allotted

duration, prompting the subscriber to choose another calling termination configuration or a temporary plan in response to such expiration or depletion, and terminating the subscription if no such choice is made by the subscriber. As such, neither White nor Pericas, taken alone or in combination, teaches or suggests monitoring, prompting or terminating as recited in Applicant's independent claims 1, 11 and 21, from which claims 4-7, 14-17 and 23-24 respectively depend. As such, Applicant requests that the §103(a) rejection based on White and Pericas be withdrawn.

For all the reasons stated above, it is submitted that Applicant's invention as defined in independent claims 1, 11 and 21, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by White and Pericas, either alone or in combination, and patentably defines over the art of record.

In summary, claims 1-6, 10-16 and 20-23 remain in the application. New claim 27 is added herein. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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